

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**PLAINTIFF**

**ARIENNE JONES, DERIC JONES,  
HERSCHEL WILLIAMS, and  
TANSHENETTA VEALS,**

**PLAINTIFF-INTERVENORS**

**v.**

**CIVIL ACTION NO.: 3:20-cv-00729-CWR-LGI**

**SSM PROPERTIES, LLC, STEPHEN MAULDING, SR.,  
JAMES ROE, and SHEILA MAULDING,**

**DEFENDANTS**

**DECLARATION OF MAX LAPERTOSA IN SUPPORT OF THE UNITED STATES'  
PETITION FOR REASONABLE ATTORNEYS' FEES AND EXPENSES INCURRED IN  
SECURING CONTEMPT AGAINST DEFENDANT JAMES ROE**

I, Max Lapertosa, respectfully submit the following declaration in support of the United States' Petition for Reasonable Attorneys' Fees and Expenses incurred in securing contempt against defendant James Roe.

1. I represent the United States of America in the above-captioned action. The following facts are based upon my personal knowledge, information, and belief.

2. I am a 1992 graduate of the University of Illinois and a 1995 graduate of the University of Maryland School of Law. I am an active member of the Illinois and New York bars and an inactive member of the California bar.

3. Since 2008, I have been employed as a trial attorney with the Department of Justice in the Civil Rights Division's Housing and Civil Enforcement Section, which enforces, among other laws, the Fair Housing Act (FHA). I have also served on details to the Division's Appellate, Disability Rights, and Special Litigation Sections. I have argued numerous civil rights cases in federal courts across the country involving race, sex, religious, and disability discrimination, including successfully defending on appeal the conviction of a defendant of a

race-based hate crime under the FHA’s criminal provision. *See United States v. Porter*, 928 F.3d 947 (10th Cir. 2019). I have received numerous awards and commendations for my work, including the Department’s John Marshall Award and the Division’s Maceo Hubbard Award. I also currently serve as one of the Attorney General’s representatives to the President’s Committee for Persons with Intellectual Disabilities.

4. Prior to joining the Justice Department, I worked for approximately seven years as an attorney with Access Living, a disability rights organization in Chicago, where I litigated cases on behalf of persons with disabilities under the FHA and the Americans with Disabilities Act (ADA). I was certified by courts as counsel on behalf of a class of persons with disabilities in four civil rights cases, including in *Ligas v. Maram*, 478 F.3d 771 (7th Cir. 2007) (argued). One court stated that I was among “the most distinguished disability-rights attorneys in the country[.]” *Jackson v. Maram*, No. 1:04-cv-174, Order Granting Approval to Consent Decree 4, ECF No. 82 (N.D. Ill. Feb. 27, 2007) (attached as Exhibit A). From 1998-2001, I worked as an attorney with the Public Interest Law Center of Philadelphia, an affiliate of the Lawyers’ Committee for Civil Rights Under Law, where I litigated systemic civil rights cases in federal courts across the country on behalf of persons with disabilities. From 1996-1998, I worked as a lawyer with the Alliance for Children’s Rights, where I represented children in the Los Angeles County foster care system in probate, guardianship, and special education cases. I also directed a dependency law clinic at the Los Angeles County Children’s Courthouse. From 1995-1996, I worked at the American University-Washington College of Law’s Center for Human Rights and Humanitarian Law, where I investigated and co-authored reports on human rights violations against persons with disabilities in the former Warsaw Pact nations of Eastern Europe.

5. I have co-authored three amicus briefs to the U.S. Supreme Court, including in the

landmark case *Olmstead v. L.C.*, 527 U.S. 581 (1999), which established the right of persons with disabilities to live in the community under the ADA. Among other publications, I co-authored a report by the National Council on Disability on the States' implementation of *Olmstead*. See *Olmstead: Reclaiming Institutionalized Lives* (Sept. 29, 2003), available at: [Olmstead: Reclaiming Institutionalized Lives \(Full-Length On-Line Version\) | NCD.gov](#) (last visited Oct. 17, 2023).

6. I was primarily responsible for researching, drafting and filing the Motion to Show Cause and related pleadings in the United States' contempt action against Roe (*see* ECF Nos. 147-151). I also expended time searching for Roe, calling him, and drafting and sending him correspondence, emails, and text messages, in an effort to secure his voluntary compliance with the Consent Decree without the need for the Court's intervention. See Decl. of Max Lapertosa in Supp. of Mot. to Show Cause, ECF No. 149. Furthermore, I traveled to Jackson, Mississippi to appear as counsel for the United States at the Court's July 21, 2023 show cause hearing and October 11, 2023 contempt hearing. Finally, other Department attorneys assigned to this case, including Katherine Raimondo and Nate Shulock, expended attorney hours helping to draft and review the contempt pleadings.

7. I have reviewed our office's time records for this case. Based on this review, I estimate that our office incurred 104.75 hours of attorney time in bringing contempt proceedings against Roe, including attempts to secure his voluntary compliance. These hours also include my travel time to and from Washington, D.C., and Jackson for the contempt hearings. However, based on the circumstances and Roe's potential inability to pay a large fees award, the United States is claiming only six hours of my time: four hours for researching and writing the Motion to Show Cause and related pleadings, and two hours to appear at each of the contempt-related

hearings involving Roe.

8. The United States is claiming a \$400 hourly rate for my time. As described above, I have over 28 years' experience as an attorney, with specialized experience in civil rights and fair housing law. As explained in the United States' Petition, this rate is consistent with rates approved by this Court and others for attorneys with similar experience and expertise in the Jackson legal market.

9. Accordingly, the total amount of reasonable attorneys' fees claimed by the United States is \$2,400 (\$400 x 6 hours).

10. I have also reviewed my travel records for the July 21, 2023, and October 11, 2023, hearings in this case. Based on this review, I have determined that the United States incurred \$2,325.35 in travel expenses in pursuing its contempt action against Roe. True and correct copies of my travel records for these trips, with personal information redacted, are attached as Exhibit B.

11. My expenses for airfare and rental cars were based on contracted rates set by the United States General Services Administration (GSA). My expenses for lodging, meals, and incidentals were also based on *per diem* rates set by GSA for Jackson. See [Travel resources | GSA](#) (last visited Oct. 17, 2023). None of my claimed travel expenses exceeded the rates set by GSA for these items.

12. In addition to travel expenses set by GSA rates, I claimed and was reimbursed for the following expenses for both trips: \$116.00 to park my personal vehicle at Washington Reagan National Airport (\$58 per trip); \$18.24 in total for gas for rental cars in Jackson; and \$35.90 in total for personal vehicle mileage (at 65.5 cents per mile) for two round trips between my residence and Reagan National Airport. Additionally, on July 21-22, 2023, I claimed and

was reimbursed for \$74.40 in taxi fare to and from the Jackson airport following a canceled flight.

13. The travel costs described above were reasonably expended to allow me to appear at the contempt hearings in Jackson.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 19th day of October, 2023, at Washington, D.C.

s/ Max Lapertosa  
MAX LAPERTOSA

**CERTIFICATE OF SERVICE**

I hereby certify that on October 19, 2023, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record and I hereby certify that I have caused to be mailed by email and Fed Ex the document to the following defendant at the address listed below:

James Roe  
1255 East County Line Road, Apt. D-3  
Jackson, MS 39211  
[jrio6807@gmail.com](mailto:jrio6807@gmail.com)

s/ Max Lapertosa